

Message Text

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ACTION NEA-09

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 7136

LIMITED OFFICIAL USE NEW DELHI 2692

E.O. 11652: N/A

TAGS: ETRA, IN

SUBJ: ARBITRATION DISPUTE

REF: STATE 41862

1. OUR FURTHER CONVERSATIONS WITH OFFICIALS AND OTHERS INVOLVED IN FCI CASE HAVE TENDED TO CONFIRM OUR EARLIER CONCLUSION, I.E., WHATEVER THE MERITS OF TAKING THE ISSUE TO THE COURTS, THE FCI ACTION WAS BASED ON ADVICE OF ITS OWN AND OUTSIDE COUNSEL AND WAS NOT INITIATED BY GOI. WE HAVE BEEN TOLD THAT FCI "CLEARED" ITS DECISION WITH GOI MINISTRIES.

2. WE CONTINUE TO HAVE NO EVIDENCE OF GOI (OR EVEN FCI) "BAD FAITH" IN DEALING WITH ARBITRAL AWARDS NEW DELHI 0785. POSSIBILITY OF FCI TAKING MATTER TO COURTS ON ISSUES OF LAW WAS CLEARLY CONTEMPLATED BY AGREEMENT UNDER WHICH ARBITRATION CARRIED OUT.

3. DESPITE ABOVE WE HAVE BEEN ACTIVE AND WILL CONTINUE TO ATTEMPT TO ASSIST BRIDGELAND IN NEGOTIATING A COMPROMISE SOLUTION ALONG THE LINES HE PROPOSED (FEBRUARY 4 LETTER). DEPARTMENT MAY WISH TO POINT OUT TO BRIDGELAND THAT FURTHER "SABER RATTLING" ON THE GSP NON-ISSUE ONLY MAKES AGREEMENT THAT MUCH MORE DIFFICULT.

4. WE SHALL DISCUSS BRITISH EXPERIENCE WITH BRITISH HIGH COMMISSION. PRELIMINARY CONTACTS HAD YEILDED NO KNOWLEDGE OF ANY BRITISH DIFFICULTIES. IF WE OBTAIN ANY ADDITIONAL INFORMATION WE SHALL REPORT IT.

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SCHNEIDER

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